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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,308	06/13/2001	Barry J. Glick	774070-7	7380
23879	7590	10/12/2005	EXAMINER	
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			KIM, JUNG W	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/880,308

Applicant(s)

GLICK ET AL.

Examiner

Jung W. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 49-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

RP

### **DETAILED ACTION**

1. This Office action is in response to the amendment filed on July 6, 2005.
2. Claims 49-79 are pending.
3. Claims 49-79 are new.
4. Claims 1-48 are canceled.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Continued Examination Under 37 CFR 1.114***

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 6, 2005 has been entered.

#### ***Claim Objections***

7. Claims 73-75 are objected to because of the following informalities: claim 73 refers to the step of generating a user ID in claim 60, claim 73 should refer to the step of generating a user ID in claim 70; there is no corresponding step of generating a user ID in claim 60. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 49-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The use of limitation "(ID)" renders the claims indefinite because it is not clear if "(ID)" is describing a shorthand for "user identification" or "identification" or something entirely separate. For example, in claim 49, the claim refers to both a "user ID" and an "ID".

***Response to Arguments***

11. Applicant's arguments with respect to new claims 49-79 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

12. Claims 49-52, 56-61, 65, 66, 68-72 and 76-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dustan et al USPN 5,884,312 (hereinafter Dustan) in view of MacDoran et al. USPN 5,757,916 (hereinafter MacDoran).

13. As per claim 49, Dustan discloses a method for maintaining state between a client and a server, the server being in communication with a database, comprising:

- a. providing a user identification (ID) that identifies the client (fig. 5, reference no. 176 and related text);
- b. transmitting the user ID to the server in a first communication with the server (fig. 5, reference no. 178 and related text);
- c. storing the user ID in the database as a state variable, the state variable corresponding to a first user session (fig. 5, reference no. 212);
- d. transmitting ID information to the server in a second communication with the server (fig. 6, reference no. 234 and related text); and
- e. comparing the ID information with the state variable to determine whether the second communication is part of the first user session or the beginning of a new user session (fig. 6, reference no. 236, 238, 240 and 242, and related text).

Dustan does not disclose generating the ID based on a location value. MacDoran discloses generating the user ID using geodetic values of the user to identify and authenticate the user. These values are derived from signals received using GPS to locate a moving user at a specific time (Abstract; col. 2:10-61). Moreover, MacDoran discloses one of the advantages of using geodetic values is that it makes "spoofing" of the host device very difficult (1:7-2:7). Therefore, it would be obvious to one ordinary skill in the art at the time the invention was made to generate a user ID based on the user location at a specific time. One would be motivated to do so since it enhances the

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prevention of access to the sensitive information by unauthorized users (MacDoran, *ibid*). The aforementioned cover the limitations of claim 49.

14. As per claim 50, the rejection of claim 49 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the generating step further comprises generating the user ID based on a location value that corresponds to the location of the client (MacDoran, col. 2:35-40).

15. As per claim 51, the rejection of claim 49 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the generating step further comprises generating the user ID based on a location value that includes a latitude and longitude dimension (MacDoran, col. 2:13-14).

16. As per claim 52, the rejection of claim 51 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the generating step further comprises generating the user ID based on a location value that further includes an altitude dimension (MacDoran, col. 2:13-14).

17. As per claim 56, the rejection of claim 49 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the method further comprising the step of deriving an anonymous user ID from the user ID (Dustan, col. 9:4-7; 18:14-22; 19:53-56).

18. As per claim 57, the rejection of claim 56 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the deriving step further comprises mathematically encoding the user ID into the anonymous user ID (Dustan, col. 9:4-7; 18:14-22; 19:53-56).

19. As per claims 58-61 and 65, they are claims corresponding to claims 49-52, 56 and 57, and they do not teach or define above the information claimed in claims 49-52, 56 and 57. Therefore, claims 58-61 and 65 are rejected as being unpatentable over Dustan in view of MacDoran for the same reasons set forth in the rejections of claims 49-52, 56 and 57.

20. As per claim 66, Dustan discloses an apparatus for facilitating interaction between a user and a web application on a remote server, comprising:

- f. a memory (fig. 1; reference no. 24); and
- g. a processor electrically connected to the memory (fig. 1, reference no. 24) and adapted to:
  - i. generate a user identification (ID), the user ID corresponding to a first user session between the user and the web application (fig. 5, reference nos. 212 and 216 and related text);
  - ii. store the user ID in the memory (fig. 5, reference no. 216 and related text; col. 10:40-44);

- iii. transmit a request to the server (fig. 6, reference no. 234 and related text);
- iv. include the user ID in the request if the request is part of the first user session (fig. 6, reference no. 234 and related text); and
- v. generate a new user ID and include the new user ID in the request if the request is part of a new user session (fig. 5, reference no. 174; fig. 6, reference no. 240 and related text).

Dustan does not disclose a GPS receiver adapted to generate location data corresponding to the user's geographic location and generating the ID based on a location value. MacDoran discloses generating the user ID using geodetic values of the user to identify and authenticate the user. These values are derived from signals received using GPS to locate a moving user at a specific time (col. 2:10-61). Moreover, MacDoran discloses one of the advantages of using geodetic values is that it makes "spoofing" of the host device very difficult (1:7-2:7). Therefore, it would be obvious to one ordinary skill in the art at the time the invention was made to include a GPS receiver to an apparatus to generate location data for a user and to generate a user ID based on the user location at a specific time. One would be motivated to do so since it enhances the prevention of access to the sensitive information by unauthorized users (MacDoran, *ibid*). The aforementioned cover the limitations of claim 66.

21. As per claim 68, the rejection of claim 66 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the processor is further adapted to store the new user ID in



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the memory if the request is part of a new user session (Dustan, fig. 5, reference no. 216 and related text).

22. As per claim 69, the rejection of claim 68 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the processor is further adapted to replace the user ID in the memory with the new user ID if the request is part of a new user session (Dustan, fig. 5, reference no. 216; fig. 6, reference no. 240).

23. As per claim 70, Dustan discloses a method for communicating between a client and a server, comprising:

- h. generating a user ID that identifies the client (Dustan, fig. 5, reference nos. 212 and 216, and related text);
- i. incorporating the user ID into a communication (fig. 6, reference nos. 232 and 234, and related text);
- j. sending the communication to the server (fig. 6, reference no. 232 and related text);
- k. comparing the user ID to information stored in a database, the database being in communication with and accessible by the server (fig. 6, reference no. 236 and related text);
- l. identifying the communication as part of a previous session if there is coincidence between the user ID and information stored in the database (fig. 6, reference no. 238 and 242, and related text); and

m. identifying the communication as part of a new session if there is no coincidence between the user ID and information stored in the database (fig. 6, reference no. 238 and 240, and related text).

Dustan does not disclose generating the ID based on the location of the client.

MacDoran discloses generating the client ID using geodetic values of the user to identify and authenticate the user. These values are derived from signals received using GPS to locate a moving user at a specific time (col. 2:10-61). Moreover, MacDoran discloses one of the advantages of using geodetic values is that it makes "spoofing" of the host device very difficult (1:7-2:7). Therefore, it would be obvious to one ordinary skill in the art at the time the invention was made to generate a user ID based on the user location at a specific time. One would be motivated to do so since it enhances the prevention of access to the sensitive information by unauthorized users (MacDoran, *ibid*). The aforementioned cover the limitations of claim 70.

24. As per claim 71, the rejection of claim 70 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the generating step further comprises generating the user ID based on a location value that includes a latitude and longitude dimension (MacDoran, col. 2:13-14).

25. As per claim 72, the rejection of claim 71 under 35 U.S.C. 103(a) is incorporated herein. (*supra*) In addition, the step of generating a user ID further comprises

generating the user ID based on a location value that further includes an altitude dimension (MacDoran, col. 2:13-14).

26. As per claim 76, the rejection of claim 70 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of generating a user ID further comprises generating the user ID from location data acquired from a GPS receiver (MacDoran, fig. 1, reference no. 103 and related text).

27. As per claim 77, the rejection of claim 70 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the method further comprises deleting the user ID upon completion of the previous session (Dustan, fig. 7, reference no. 300 and related text).

28. As per claim 78, the rejection of claim 70 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, Dustan discloses logging user activity in a log table including the data and time of user logon and log off, and all of the individual request made by a user during a session (col. 13:10-28). Information identifying these events to a single user requires logging a user identifier. The account number of the user ID is the obvious choice since it uniquely identifies the user. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to maintain at least a portion of the user ID upon completion of the previous session. One would be motivated to do so since this enables logged actions to be traced to a specific user in an audit report.

29. As per claim 79, the rejection of claim 70 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of incorporating the user ID into a communication further comprising incorporating the user ID into a cookie file and incorporating the cookie file into the communication (Dustan, col. 10:40-44).

30. Claims 53-55, 62-64 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dustan and MacDoran, and further in view of Fraker et al. USPN 5,919,239 (hereinafter Fraker).

31. As per claims 53 and 54, the rejection of claim 49 under 35 U.S.C. 103(a) is incorporated herein. (supra) Although Dustan does not expressly disclose generating the user ID based on a temporal value that corresponds to the creation of a user ID, the generation of an user ID based on the geographic location of the user as taught by MacDoran is derived by the location of a user at a specific time. Moreover, this idea of associating a time value with the location values is also taught by Fraker, wherein the time of the position data is gathered along with the position data and stored with the position data (fig. 5, reference nos. 310 and 312, and related text). Because the time of deriving the geographic location is critical to identify a user's location, it would be obvious to one of ordinary skill in the art at the time the invention was made for the user ID to be based on a temporal value corresponding to the creation of the user ID; a temporal value identifies when the location of the user was determined for proper

authentication of the user. The aforementioned cover the limitations of claims 53 and 54.

32. As per claim 55, the rejections of claim 53 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, having the temporal value correspond to the invocation of an Internet browser session is an obvious enhancement since the user ID is needed only when an Internet browser session is established (Dustan, fig. 5, reference no. 176 and fig. 6, reference no. 234). It would be obvious to one of ordinary skill in the art at the time the invention was made for the temporal value to correspond to the invocation of an Internet browser session, since the user ID is utilized when a user accesses information from the start of a browser session (Dustan, col. 7:53-62). The aforementioned cover the limitations of claim 55.

33. As per claims 62-64, they are claims corresponding to claims 53-55 and 60, and they do not teach or define above the information claimed in claims 53-55 and 60. Therefore, claims 62-64 are rejected as being unpatentable over Dustan in view of MacDoran and Fraker for the same reasons set forth in the rejections of claims 53-55 and 60.

34. As per claims 73-75, they are claims corresponding to claims 53-55 and 70, and they do not teach or define above the information claimed in claims 53-55 and 70. Therefore, claims 73-75 are rejected as being unpatentable over Dustan in view of

MacDoran and Fraker for the same reasons set forth in the rejections of claims 53-55 and 70.

35. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dustan and MacDoran, and further in view of Hunter, JAVA Servlet Programming, Chapter 7: Session Tracking (hereinafter Hunter).

36. As per claim 67, the rejection of claim 66 under 35 U.S.C. 103(a) is incorporated herein. (supra) Dustan does not expressly teach deleting the user ID from the memory when the web-browser application is closed. However, this action is a notoriously well-known default function of a web browser. This step prevents information in a cookie stored in a user's browser from persisting after the web-browser application is closed. This ensures that information only relevant for the duration of a given operation of a browser should persist during this time period. For example, Hunter discloses the JAVA function call that removes a cookie once the browser exits (pg. 204, "public void Cookie.setMaxAge(int expiry)," "A negative value indicates the default, that the cookie should expire when the browser exits."). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to delete the user ID from the memory when the web-browser application is closed. One would be motivated to do so due to inertia-it's the default setting. The aforementioned cover the limitations of claim 67.

### ***Conclusion***

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

38. Hunter, Jason; Java Servlet Programming, Chapter 7: Session Tracking, discloses coding examples and class functions to track a users session using Netscape cookies. Examples include identifying new vs. old sessions, creating new state variables, invalidating stale sessions, storing session Ids, and binding sessions to events.

39. Koss USPN 6,731,612 discloses generating location values with mobile browsers communicating wireless with servers and sending http requests with the location coordinates of the mobile browsers to customize the content in accordance with the location of the browser.

40. Denning, Dorothy "Location-Based Authentication: Grounding Cyberspace for Better Security" discloses an overview of using location signatures to authenticate a user to a server.

### ***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

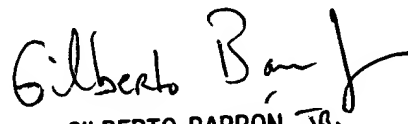
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October 6, 2005

Jung W Kim  
Examiner  
Art Unit 2132



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